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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR 09-0033 WHA
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER EXCLUDING TIME
)	
JEFFREY D. SCHINKEL,)	
)	
Defendant.)	
_____)	

On May 5, 2009, the parties in this case appeared before the Court for identification of counsel and a detention hearing. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from May 5, 2009, through May 19, 2009, for effective preparation of defense counsel, due to the government's delay in providing discovery to the defense. The parties represented that granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice is served by granting such a continuance outweighed the best interests of the public and

the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

DATED: May 19, 2009

OWEN P. MARTIKAN
Assistant United States Attorney

/s/

DATED: May 19, 2009

EDWIN K. PRATHER
Attorney for Jeffrey D. Schinkel

[PROPOSED] ORDER

As the Court found on May 5, 2009, and for the reasons stated above, an exclusion of time from May 5, 2009, through May 19, 2009, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(7)(B)(iv).

SO ORDERED.

DATED: May 20, 2009

